

## ASSIGNMENT 6

Textbook Assignment: "Court-Martial Trials," chapter 7, pages 7-1 through 7-30.

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- 6-1. An accused has no right to representation by counsel at a summary court-martial.
1. True
  2. False
- 6-2. An individual tried by a state court may only be referred to trial by a summary court-martial with the permission of what authority?
1. SECNAV
  2. OPNAV
  3. CHNAVPERS
  4. OEGCMJ
- 6-3. A summary court-martial is created in what manner?
1. By annotation on a report chit referring it to court-martial
  2. By order of the CA detailing the summary court-martial officer to the court
  3. By preparation of a summary court-martial convening order
  4. By an appointing order to the summary court-martial officer
- 6-4. Normally, what is the lowest grade that a summary court-martial officer should hold?
1. CWO3
  2. LT
  3. LTJG
  4. LCDR
- 6-5. What action should be taken when the CA is the only commissioned officer in a unit and he or she wishes to convene a summary court-martial?
1. Refer the case to the next higher convening authority for trial by SPCM
  2. Take the accused to mast since he or she cannot appoint himself or herself
  3. Forward the case to another command for referral
  4. Appoint an SCM officer from outside the command
- 6-6. In a summary court-martial, who presents the government's case against the accused?
1. SCM officer
  2. TC
  3. CA's SJA/legal officer
  4. Counsel for the government
- 6-7. Which of the following personnel may be tried by a summary court-martial?
1. A commissioned officer
  2. An enlisted accused who consents to trial
  3. A warrant officer
  4. An enlisted member accused of a capital offense

- 6-8. If the number of charges exceed the amount of room provided on a charge sheet, what action should be taken?
1. Continue the charges on a second charge sheet
  2. Continue the charges on a separate sheet of paper and refer to it as enclosure (1)
  3. Continue the charges on a separate sheet of paper and refer to it as attachment A
  4. Prepare all charges on a separate sheet of paper annotated "see attached sheet" in part II of the charge sheet
- 6-9. The signature of the accuser should appear in what part of the charge sheet?
1. I
  2. II
  3. III
  4. IV
- 6-10. For what reason is an accused informed of the charges against him or her?
1. To provide him or her with reasonable notice of impending criminal prosecution
  2. To provide him or her with notice of what forum the charges will be referred
  3. To start the running of the speedy trial rule
  4. To start the running of the statute of limitations
- 6-11. What is the purpose of the receipt certification on the charge sheet?
1. It starts the running of the speedy trial rule
  2. It starts the running of the statute of limitations for the offense charged
  3. It stops the running of the statute of limitations for the offense charged
  4. It designates the type of court to which the case is being referred
- 6-12. What action should be taken once an SCM case has been referred to trial?
1. The convening order is prepared
  2. The accused is informed of the charges
  3. A preliminary inquiry is conducted
  4. The case file is sent to the SCM officer
- 6-13. In what manner are minor changes made to a charge sheet after referral to an SCM?
1. The change is made and the charges are resworn and rereferred
  2. The SCM officer and the accused initial the changes made
  3. The SCM officer makes pen-and-ink changes and then initials them
  4. The affected charge is withdrawn, corrected, and referred as an additional charge
- 6-14. Where should you find an accused's summary court-martial pretrial advice rights?
1. On the charge sheet
  2. JAGMAN
  3. MCM, appendix 6
  4. MCM, appendix 9
- 6-15. Which of the following forms is used as the record of trial for a summary court-martial?
1. DD Form 2329
  2. DD Form 458
  3. DD Form 457
  4. DD Form 456

- 6-16. Which of the following punishments is NOT a legal summary court-martial punishment?
1. Forfeiture of two-thirds of 1 month's pay
  2. Reduction in rate from E-5 to E-3
  3. Restriction for 2 months
  4. Confinement on bread and water for 3 days and confinement for 20 days of an E-3 at sea
- 6-17. An accused has a statutory right to detailed military counsel at a summary court-martial.
1. True
  2. False
- 6-18. What person is responsible for making sure all relevant evidence for the accused is presented at a summary court-martial?
1. Accused
  2. Accused's defense counsel
  3. SCM officer
  4. Convening authority
- 6-19. If an SCM officer has a question regarding the admissibility of some evidence, where may he or she seek assistance?
1. CA's SJA/legal officer
  2. Local NLSO
  3. Area coordinator
  4. Any judge advocate
- 6-20. An accused may change any plea up to what point of an SCM?
1. Presentation of evidence
  2. Arraignment
  3. Sentencing
  4. Findings
- 6-21. The SCM officer authenticates the record of trial in what manner?
1. By signing and attaching an authentication sheet
  2. By signing each copy of the record of trial
  3. By signing the results of trial memo
  4. By signing the sentence worksheet
- 6-22. An SPCM consists of what minimum number of members?
1. Five
  2. Seven
  3. Three
  4. Four
- 6-23. An SPCM consisting of three members, counsel, and no military judge may NOT award which of the following punishments?
1. 6 months' confinement
  2. BCD
  3. Reduction in rate to E-1
  4. Forfeiture of two-thirds pay per month for 6 months
- 6-24. In an SPCM with members, what person is responsible for presiding during deliberations?
1. Military judge
  2. Senior member
  3. Junior member
  4. A member voted on by all members
- 6-25. Which of the following groups of members properly constitutes the members that may sit on an SPCM for an accused Navy Lieutenant?
1. LT, LTJG, CW02
  2. LCDR, LTJG, ENS
  3. CDR, MAJ (USMC), LCDR
  4. CDR, LT, ENS

- 6-26. When an enlisted accused requests enlisted members on his or her SPCM, the court must consist of what minimum number of enlisted members?
1. One-half
  2. One-third
  3. Two-thirds
  4. One-fourth
- 6-27. When enlisted members are requested, but cannot be assigned due to extraordinary circumstances, what action must be taken?
1. The reasons must be annotated in the special instructions block of the charge sheet
  2. The reasons must be explained in the convening order
  3. An explanation is prepared and sent to the TC for inclusion in the record of trial
  4. An explanation is prepared for inclusion in the promulgating order
- 6-28. An individual military counsel must be qualified under what article of the UCMJ?
1. 19
  2. 27
  3. 28
  4. 38
- 6-29. Charges are officially withdrawn on the charge sheet in which of the following manners?
1. By lining out the charge(s) and specification(s) and having the CA initial and date the entries
  2. By lining out the preferral block of the charge sheet, writing "withdrawn" on the line, then initialing and dating the entry
  3. By drawing a diagonal line across the referral block of the charge sheet, writing "withdrawn" on the line, then having the CA initial and date the entry
  4. By drawing a diagonal line across both sides of the charge sheet, writing "withdrawn" and initialing the entry
- 6-30. In what manner should a CA withdraw a case from one court and rerefer the case to a new court?
1. By preparing a new charge sheet referring the case to the new court
  2. By preparing a new page 2 to the charge sheet and taping it over the original page 2
  3. By lining out the old convening order number on the charge sheet, then penning the new convening order number and initialing each entry
  4. By lining out and initialing the old referral block and executing a new block 14 referral and taping it over the top of the lined-out referral

- 6-31. Additional charges are referred in which of the following manners?
1. By attaching the additional charges to the original charge sheet
  2. By completing a new charge sheet and annotating special instructions that the charges are to be tried with the charges originally referred to court-martial
  3. By completing a new page 1 of the charge sheet and attaching it to the top of the original charge sheet
  4. By attaching a continuation page to the charges and specifications block and attaching it to the back of the charge sheet
- 6-32. In time of peace, an accused may not be brought to trial before and SPCM until 3 days have elapsed since what action was taken?
1. The accused was informed of the charges
  2. The charges were preferred
  3. The charges were referred
  4. Formal service of charges on the accused
- 6-33. The accused's pleas are not a part of the arraignment process.
1. True
  2. False
- 6-34. The inquiry by the military judge into an accused's plea of guilty is known by which of the following terms?
1. *Nolo contendere*
  2. Providency
  3. *Voir dire*
  4. Challenge procedure
- 6-35. In an SPCM member's trial, a finding of guilty must be approved by what number of the members?
1. One-third only
  2. Two-thirds only
  3. Three-fifths only
  4. All members
- 6-36. In a court-martial, for what reason are matters in mitigation of an offense introduced?
1. To lessen the punishment to be adjudged by the court-martial
  2. To explain the circumstances surrounding the commission of an offense
  3. To aid the court-martial in determining an appropriate sentence
  4. To constitute a legal justification or excuse for the offense
- 6-37. In a member's trial, what person is responsible for announcing the sentence?
1. Military judge
  2. Trial counsel
  3. President of the court
  4. Bailiff
- 6-38. What is the maximum sentence an SPCM may award?
1. BCD, confinement for 3 months, and forfeiture of two-thirds pay per month for 6 months
  2. BCD, confinement for 6 months, forfeiture of two-thirds pay per month for 6 months, and reduction in rate to E-1
  3. BCD, confinement for 6 months, total forfeitures, and reduction in rate to E-1
  4. DD, confinement for 1 year, total forfeitures, and reduction in rate to E-1
- 6-39. The effect of a BCD on veteran's benefits depends on which of the following factors?
1. Whether adjudged by an SPCM or a GCM
  2. Whether administered by the service or Department of Veterans Affairs
  3. The particular facts of the case
  4. All of the above

- 6-40. What is the maximum number of months an SPCM may adjudge hard labor without confinement?
1. 6
  2. 2
  3. 3
  4. 4
- 6-41. What limitations are placed on a SPCM court when awarding both forfeitures and a fine?
1. The total monetary amount may not exceed the amount that could have been required to be forfeited
  2. The total amount cannot be for less than the amount the accused was unjustly enriched by his or her crimes
  3. The total amount of the forfeitures cannot exceed the amount of the fine
  4. The amount of the fine cannot exceed the monthly amount of forfeitures
- 6-42. Automatic reduction to paygrade E-1 is effected upon what approved punishment?
1. Punitive discharge and confinement in excess of 90 days
  2. Punitive discharge or confinement in excess of 90 days
  3. Confinement in excess of 90 days or 3 months
  4. Confinement in excess of 30 days or 1 month
- 6-43. The escalator clause permits a punitive discharge in what type of cases?
1. Those involving moral turpitude
  2. Those involving grievous bodily harm
  3. Those involving an unauthorized absence of 1 year or more
  4. Those involving chronic offenders
- 6-44. What is the purpose of an Article 32 pretrial investigation?
1. To formally inquire into the truth of allegations contained in the charge sheet
  2. To prepare the government's case against the accused
  3. To ensure the allegations made in the charge sheet are factual
  4. To ensure the viability of the evidence presented in the case
- 6-45. In what manner is an Article 32 investigation convened?
1. By referral on the charge sheet
  2. By a numerically sequenced convening order
  3. By an appointing order listing the investigating officer and counsel
  4. By completion of the DD Form 457
- 6-46. What official is responsible for making the initial determination on the availability of military witnesses?
1. CA
  2. CO of the witness
  3. Counsel for the government
  4. Pretrial investigation officer
- 6-47. During an Article 32 investigation, a witness is not reasonably available. If the defense objects, what type of statement, if any, may the investigating officer consider?
1. Sworn
  2. Unsworn
  3. Prior testimony
  4. None
- 6-48. The pretrial advice prepared by a CA's SJA is completed according to what UCMJ article?
1. 32
  2. 33
  3. 34
  4. 35

6-49. The pretrial advice by the CO's SJA should include all EXCEPT which of the following items?

1. Whether each specification alleges an offense under the UCMJ
2. Whether each allegation is substantiated by the evidence
3. The action to be taken by the CA
4. The recommended punishment for the offense

6-50. A properly composed GCM should be comprised of what minimum number of members?

1. 12
2. 7
3. 3
4. 5